

## Senate Bill No. 1444

### CHAPTER 859

An act to amend Section 110423.2 of the Health and Safety Code, relating to dietary supplements.

[Approved by Governor September 29, 2004. Filed  
with Secretary of State September 29, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1444, Speier. Dietary supplements: steroid hormone precursors.

Existing law, the Sherman Food, Drug, and Cosmetics Law, provides for the regulation of the processing, labeling, advertising, and sale of food, drugs, and cosmetics, as defined, including dietary supplements, under the administration of the State Department of Health Services.

Existing law prohibits the sale of dietary supplements containing ephedrine group alkaloids or steroid hormone precursors unless the product label of these products includes certain statements regarding content and warning statements regarding the use of the product. Under existing law, it is a misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish a dietary supplement containing ephedrine group alkaloids or steroid hormone precursors to a person less than 18 years of age and a seller is required to request a valid identification of prospective purchasers who reasonably appear to be under 18 years of age. Existing law also defines anabolic steroids, with respect to contracts for the lease or rental of athletic facilities.

This bill would revise these provisions to replace the reference to steroid hormone precursors with a list of designated substances. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 110423.2 of the Health and Safety Code is amended to read:

110423.2. (a) It is a misdemeanor for any manufacturer, wholesaler, retailer, or other person, to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

- (1) A dietary supplement containing an ephedrine group alkaloid.
- (2) A dietary supplement containing any of the following:
  - (A) Androstenediol.
  - (B) Androstenedione.
  - (C) Androstenedione.
  - (D) Norandrostenediol.
  - (E) Norandrostenedione.
  - (F) Dehydroepiandrosterone.

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subdivision (a) if that individual reasonably appears to the seller to be under 18 years of age.

(c) Notwithstanding subdivisions (a) and (b), a retail clerk who fails to request identification pursuant to subdivision (b) shall not be guilty of a misdemeanor pursuant to subdivision (a), subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer. This subdivision shall not apply to a retail clerk who is a willful participant in an ongoing criminal conspiracy to violate this article.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

